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David William Trepess

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EXAMINER

DAYE, CHELCIE L

ART UNIT

PAPER NUMBER

2161

NOTIFICATION DATE

DELIVERY MODE

03/17/2010

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/723,086	<b>Applicant(s)</b> TREPESS ET AL.	
	<b>Examiner</b> CHELCIE DAYE	<b>Art Unit</b> 2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2010.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-10, 12, 13, 15, 17-28 and 33-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12, 13, 15, 17-28 and 33-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/8/09</u> .   | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. This action is issued in response to applicants Pre-Brief Appeal Request filed January 22, 2010.
2. Claims 1-10,12-13,15,17-28, and 33-44 are presented. No claim added and claims 11, 14, 16, and 29-32 remain cancelled.
3. Claims 1-10,12-13,15,17-28, and 33-44 are pending.
4. Applicant's arguments, filed 01/22/10, with respect to the Pre-Brief Appeal arguments about the date of the functionality aspects of the website being known to the public have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 1-2,4-5,7-8,10,12-13,15,17-18,23,26-28,33,34,36-38 and 40-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saffer (US Patent No. 6,990,238) filed September 30, 1999, in view of "A Self-Organizing Semantic Map for Information Retrieval", By: Xia Lin, Dagobert Soergel, and Gary Marchionini, Published 1991; hereinafter referred to as 'Lin', further in view of Screen Shots of Unix and Internet Security; By: Simson Garfinkel, referred to hereinafter as 'UNIX'.**

Regarding Claims 1, 23, 33-34, 36-38, and 40-44, Saffer discloses an information retrieval apparatus comprising:

a mapping processor operable to receive data representative of a map of information items from a set of information items identified in a search (column 19, lines 4-38, Saffer), the map of information items providing the identified information items with respect to positions in an array in accordance with a mutual similarity of the information items, similar information items mapping to similar positions in the array (Fig.18; column 17, lines 36-57, Saffer), and to process the map data to form a hierarchical clustering of information items (columns 8-9, lines 53-67 and 1-4, respectively, Saffer) providing a first clustering level of information items and at least one other clustering level of information items for clusters of information items within the first level clusters (column 10, lines 34-40, Saffer); and

a display processor operable in combination with a graphical user interface (Fig.18, Saffer) to display a representation of at least some of the positions of the array correspond to identified information items as an n-dimensional display of display points within a display area of a graphical display, the display area corresponding to at least a portion of the array (Fig.4A & column 17, lines 36-57; columns 18-19, lines 64-67 and 1-8, respectively, Saffer),

wherein, when viewing a first cluster in one of the hierarchical levels within the display area of the graphical display (columns 8-9, lines 53-67 and 1-4,

respectively, Saffer), the display processor is operable to generate data which is displayed on the graphical user interface providing a user with a relative direction within the n-dimensional display of the location of a second cluster, and navigating to the second cluster within the n-dimensional display (column 5, lines 1-13; column 20, lines 5-32; column 22, lines 10-27; column 29, lines 21-33, Saffer), and the graphical user interface (Fig.16, Saffer) is operable to display the relative direction of the second cluster within the display area of the graphical display with respect to a position of the first cluster in the display area (column 6, lines 13-50; column 20, lines 5-32; column 29, lines 21-33, Saffer), and the data representing the number of information items within the cluster is displayable with respect to the (column 13, lines 5-14, Saffer).

However, Saffer is not as detailed with respect to the search using a self-organizing map and a direction indicating symbol providing the user with information outside of the display area.

On the other hand, Lin discloses the search using a self-organizing map (pg. 262, "Abstract", Lin) and a direction indicating symbol, the second cluster being located outside of the display area (see pg.266, Figs.4(a-c) and section 4. "A prototype system", Lin). Saffer and Lin are analogous art because they are from the same field of endeavor of information retrieval. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Lin's teachings into the Saffer system. A skilled artisan would have been motivated to combine as suggested by Lin at pg. 267, 2<sup>nd</sup> paragraph, in

order to conceptualize an information retrieval approach which uses traditional search techniques and the map as a browsing aid to support ordering, linking, and browsing information gathered by the filters.

However, Saffer and Lin are not as detailed with a direction indicating symbol providing the user with a second cluster within a same hierarchical level as the first cluster, the second cluster being located outside of the display area.

On the other hand, UNIX discloses a direction indicating symbol providing the user with a second cluster within a same hierarchical level as the first cluster, the second cluster being located outside of the display area (Screen Shots of Figs. 1-6, UNIX)<sup>1</sup>. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the UNIX's teachings into the Saffer and Lin system. A skilled artisan would have been motivated to combine in order to show details of the use of moving from one cluster of information to another.

Regarding Claim 2, the combination of Saffer in view of Lin, further in view of UNIX, disclose an apparatus wherein the information items include a plurality of characterizing information features, the characterizing information features of each information item being used to form a feature vector for each information item (columns 9-10, lines 62-67 and 1-15, respectively, Saffer), the feature vector

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<sup>1</sup> Examiner Notes: The Screen Shots have been provided for Unix and Internet Security to show the claimed features. Also, the website has been provided (see Notice of References Cited). Lastly, this book was of public knowledge in 1996 and the website was copyrighted in 1999.

being used to form the map data by mapping the information item onto a position within the array (column 19, lines 31-38, Saffer).

Regarding Claim 4, the combination of Saffer in view of Lin, further in view of UNIX, disclose an apparatus wherein the characterizing information feature associated with each first level cluster and the other characterizing information feature associated with each cluster within the other clustering level of information items are formed from a most common characterizing information feature present in the information items associated with each cluster (column 12, lines 60-67, Saffer).

Regarding Claim 5, the combination of Saffer in view of Lin, further in view of UNIX, disclose an apparatus wherein the clusters of information items within one of the lower level clusters are associated with one another, whereas the other clusters of the first level are additional clusters of information items with respect to the information items within the lower level cluster (column 2, lines 23-39, Saffer).

Regarding Claim 7, the combination of Saffer in view of Lin, further in view of UNIX, disclose an apparatus wherein the information items comprise textual information, the characterizing information features being words (columns 15-16, lines 60-67 and 1-2, respectively, Saffer), and the feature vector for an

information item is representative of a set of frequencies of occurrence, within that information item, of each of a group of words (column 11, lines 23-51, Saffer).

Regarding Claim 8, the combination of Saffer in view of Lin, further in view of UNIX, disclose an apparatus wherein the information items include textual information, the characterizing information features being words (columns 15-16, lines 60-67 and 1-2, respectively, Saffer), the positions within the array being mapped by mutual similarity of at least a part of the textual information (column 17, lines 36-57, Saffer).

Regarding Claim 10, the combination of Saffer in view of Lin, further in view of UNIX, disclose an apparatus wherein the information items are pre-processed for mapping (columns 10-11, lines 64-67 and 1-2, respectively, Saffer) by excluding words occurring within the textual information having less than a threshold frequency amongst the set of information items (column 30, lines 24-32, Saffer).

Regarding Claims 12, 18, 27 and 28, the combination of Saffer in view of Lin, further in view of UNIX, disclose an apparatus wherein the display area includes at least two areas (Fig.16, Saffer), one area providing an n-dimensional representation of the first hierarchical level of clusters and the other area



providing an n-dimensional representation of the other hierarchical level of clusters, where n is an integer (column 21, lines 14-28 and column 22, lines 10-27, Saffer).

Regarding Claim 13, the combination of Saffer in view of Lin, further in view of UNIX, disclose an apparatus comprising

search processor for carrying out a word-related search of the information items (column 18, lines 64-67, Saffer);

the search processor and the graphical user interface being arranged to co-operate so that only those display points corresponding to identified information items are displayed (column 19, lines 4-38, Saffer).

Regarding Claim 15, the combination of Saffer in view of Lin, further in view of UNIX, disclose an apparatus wherein the display processor is operable to generate data representative of the number of information items within the other cluster (column 13, lines 5-14, Saffer), the number of information items being associated with the indication of the relative direction in the n-dimensional space of the other cluster with respect to the first cluster (column 29, lines 21-33, Saffer).

Regarding Claim 17, the combination of Saffer in view of Lin, further in view of UNIX, disclose an apparatus further comprising a user control for

selecting information items or clusters of information items within the n-dimensional space using a user controlled pointer (Fig.19; column 21, lines 40-54, Saffer), wherein the number of information items are display with respect to the indication of relative direction, in response to the pointer being positioned over the indication (column 30, lines 50-62, Saffer).

Regarding Claim 26, the combination of Saffer in view of Lin, further in view of UNIX, disclose the method further comprising

displaying a representation of at least some of the positions of the array as an n-dimensional display array of display points within a display area of a graphical display (columns 18-19, lines 64-67 and 1-8, Saffer).

**7. Claims 3,6,9,19,20,24,25,35, and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saffer (US Patent No. 6,990,238) filed September 30, 1999, in view of "A Self-Organizing Semantic Map for Information Retrieval", By: Xia Lin, Dagobert Soergel, and Gary Marchionini, Published 1991; hereinafter referred to as 'Lin', further in view of Screen Shots of Unix and Internet Security; By: Simson Garfinkel, referred to hereinafter as 'UNIX', and further in view of Doerre (US Patent No. 6,446,061) filed June 30, 1999.**

Regarding Claims 3 and 24, the combination of Saffer in view of Lin, further in view of UNIX, disclose all of the claimed subject matter, as stated

above. However, the combination of Saffer in view of Lin, further in view of UNIX, are silent with respect to providing the first clustering level of information items with a characterizing information feature associated with each of the first level clusters of information items and to provide a characterizing information feature for the clusters of information items within the first level clusters at the other hierarchical level. On the other hand, Doerre discloses providing the first clustering level of information items with a characterizing information feature associated with each of the first level clusters of information items and to provide a characterizing information feature for the clusters of information items within the first level clusters at the other hierarchical level (column 17, lines 24-49, Doerre). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Doerre's teachings into the Saffer, Lin, and UNIX system. A skilled artisan would have been motivated to combine as suggested by Doerre at column 4, lines 22-28, in order to be able to improve the ability and flexibility of the content classifier, so as to cope with the increasing number of documents to be analyzed in a reasonable amount of time.

Regarding Claim 6, the combination of Saffer in view of Lin, further in view of UNIX, and further in view of Doerre, disclose an apparatus wherein the characterizing information item associated with each cluster is the most common word of the textual information associated with each of the information items within each cluster (column 17, lines 14-30, Saffer).

Regarding Claim 9, the combination of Saffer in view of Lin, further in view of UNIX, and further in view of Doerre, disclose an apparatus wherein the information items are pre-processed for mapping (columns 10-11, lines 64-67 and 1-2, respectively, Saffer) by excluding words occurring within the textual information having more than a threshold frequency amongst the set of information items (column 13, lines 43-54, Doerre).

Regarding Claims 19, 35, and 39 the combination of Saffer in view of Lin, further in view of UNIX, and further in view of Doerre, disclose a video acquisition and processing apparatus comprising an information retrieval apparatus having a mapping processor operable to receive data representative of a map of information items from a set of information items identified in a search (column 19, lines 4-38, Saffer) using a self organizing map (pg. 262, "Abstract", Lin), the map of information items providing the identified information items with respect to positions in an array in accordance with a mutual similarity of the information items, similar information items mapping to similar positions in the array (Fig.18; column 17, lines 36-57, Saffer), and to process the map data to form a hierarchical clustering of information items (columns 8-9, lines 53-67 and 1-4, respectively, Saffer) providing a first clustering level of information items and at least one other clustering level of information items for clusters of information items within the first level clusters (column 10, lines 34-40, Saffer),

a display processor operable in combination with a graphical user interface (Fig.18, Saffer) to display a representation of at least some of the positions of the array correspond to identified information items as an n-dimensional display array of display points within a display area of a graphical display, the display area corresponding to at least a portion of the array (Fig.4A & column 17, lines 36-57; columns 18-19, lines 64-67 and 1-8, respectively, Saffer), wherein, when viewing a first cluster in one of the hierarchical levels within the display area of the graphical display (columns 8-9, lines 53-67 and 1-4, respectively, Saffer), the display processor is operable to generate data which is displayed as a direction indicating symbol (see Figs.4(a-c), Lin) on the graphical user interface providing a user with a relative direction within the n-dimensional display (see pg.266, Figs.4(a-c) and section 4. "A prototype system", Lin), and navigating to the second cluster within the n-dimensional display (column 5, lines 1-13; column 20, lines 5-32; column 22, lines 10-27; column 29, lines 21-33, Saffer), and the graphical user interface (Fig.16, Saffer) is operable to display the direction indicating symbol indicating the relative direction of the second cluster within the display area of the graphical display with respect to a position of the first cluster in the display area (column 6, lines 13-50; column 20, lines 5-32; column 29, lines 21-33, Saffer), and the data representing the number of information items within the cluster is displayable with respect to the direction indicating symbol (column 13, lines 5-14, Saffer), the information items including video data with the textual information (column 1, lines 44-49, Doerre). However,

Saffer and Lin are not as detailed with a direction indicating symbol providing the user with a second cluster within a same hierarchical level as the first cluster, the second cluster being located outside of the display area. On the other hand, UNIX discloses a direction indicating symbol providing the user with a second cluster within a same hierarchical level as the first cluster, the second cluster being located outside of the display area (Screen Shots of Figs. 1-7, UNIX)<sup>2</sup>. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the UNIX's teachings into the Saffer and Lin system. A skilled artisan would have been motivated to combine in order to show details of the use of moving from one cluster of information to another.

Regarding Claim 20, the combination of Saffer in view of Lin, further in view of UNIX, and further in view of Doerre, disclose the video acquisition and processing apparatus further comprising

a repository containing the information items (column 8, lines 40-48, Doerre), and

a data communications network for connecting the repository with the information retrieval apparatus (column 5, lines 38-46, Saffer).

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<sup>2</sup> Examiner Notes: The Screen Shots have been provided for Unix and Internet Security to show the claimed features. Also, the website has been provided. Lastly, this book was of public knowledge in 1996 and the website was copyrighted in 1999.

Regarding Claim 25, the combination of Saffer in view of Lin, further in view of UNIX, and further in view of Doerre, disclose the apparatus wherein the information items include a plurality of characterizing information features, the characterizing information features of each information item being used to form a feature vector for each information item (columns 9-10, lines 62-67 and 1-15, respectively, Saffer), the feature vector being used to form the map data by mapping the information item onto a position within the array (column 19, lines 31-38, Saffer).

**8. Claims 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saffer (US Patent No. 6,990,238) filed September 30, 1999, in view of “A Self-Organizing Semantic Map for Information Retrieval”, By: Xia Lin, Dagobert Soergel, and Gary Marchionini, Published 1991; hereinafter referred to as ‘Lin’, further in view of Screen Shots of Unix and Internet Security; By: Simson Garfinkel, referred to hereinafter as 'UNIX', further in view of Doerre (US Patent No. 6,446,061) filed June 30, 1999, and further in view of Branscomb (US Patent No. 5,977,992) filed September 5, 1997.**

Regarding Claim 21, the combination of Saffer in view of Lin, further in view of UNIX, and further in view of Doerre, disclose all of the claimed subject matter, as stated above. However, Saffer in view of Lin, further in view of UNIX, and further in view of Doerre, are silent with respect the information items include

a representative key stamp providing a representative image from the information item. On the other hand, Branscomb discloses the information items include a representative key stamp providing a representative image from the information item (column 5, lines 18-32, Branscomb). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Branscomb's teachings into the Saffer in view of Lin, further in view of UNIX, and further in view of Doerre system. A skilled artisan would have been motivated to combine as suggested by Branscomb at column 13, lines 55-63, in order to organize and assemble images in a relational graphic space via a content image, which provides a powerful interactive visual display. As a result, the system is therefore capable of alleviating the amount of time needed as well as decreasing the tediousness of the process.

Regarding Claim 22, the combination of Saffer in view of Lin, further in view of UNIX, further in view of Doerre, and further in view of Branscomb, disclose the video acquisition and processing apparatus wherein the characterizing information feature associated with each first level cluster and the other characterizing information feature associated with each cluster within the other clustering level of information items are formed from a most common characterizing information feature present in the information items associated with each cluster (column 6, lines 48-52, Doerre) and the common characterizing



information feature associated with a cluster includes a representative key stamp, which is common to the cluster (column 13, lines 34-44, Branscomb).

### ***Response to Arguments***

Applicant's arguments with respect to the newly amended claims have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action.

Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Points of Contact***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHELCIE DAYE whose telephone number is (571) 272-3891. The examiner can normally be reached on M-F, 7:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Apu Mofiz can be reached on 571-272-4080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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March 10, 2010

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Supervisory Patent Examiner, Art Unit 2161